IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5135 OF 2005

Mahadev Manik Giri ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri. A.P.Mundargi i/by Shri. Amol Patankar for the Applicant.
Shri. R.Y.Mirza, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : AUGUST 22, 2005.

P.C.:

1. Heard the learned Counsel for the Applicant and the learned A.P.P. for the State. The offence registered against the Applicant and the co-accused are under sections 406, 409, 420, 411, 467, 468, 34 and 120-B of the Indian Penal Code. There is no dispute that the offences are triable by the Court of Judicial Magistrate, First Class.

2. The allegation against the Applicant who was Taluka Agricultural Officer is that he signed certain requisition slips for requistioning certain quantity of supply of grains to the Fair Price Shops. The recommendation made by the Applicant by the requsition slips was pertaining to the persons allegedly employed in the Employment Guarantee Scheme. It appears that the recommendations were made in respect of the Employment Guarantee Schemes which were not approved. As a result, the persons running the Fair Prices Shops took the quota of grain and sold it in open markets.

3. Investigation is already completed. The Applicant has been suspended as a consequence of his arrest. The learned Additional Sessions Judge while rejecting the Application for bail made by the Applicant has noted that public money to the extent of Rs.50 lacs has been misappropriated. He observed that though the Applicant may not abscond, the apprehension is that he being Agricultural Officer there is possibility of tampering with the prosecution evidence.

4. It is not in dispute that the price of the food-grains distributed to the shops has been already deposited with the Government by the co-accused. The Applicant has been placed under suspension. Investigation is completed and the entire documentary evidence is in possession of the State. Hence, case is made for enlarging the Applicant on bail.

5. Hence, I pass the following order:

: O R D E R :

i) The Applicant shall be enlarged on bail in connection with **C.R.No.62 of 2005 of Phaltan Police Station, District Satara,** subject to furnishing a personal bond of **Rs.25,000/-** with one or two local

sureties in the like amount.

ii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

iii) The Applicant shall co-operate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) Application is disposed of in above terms.

vi) The parties to act upon an authenticated copy of this order.

JUDGE